

VICTIM IMPACT STATEMENT – AUBURN UNIVERSITY

USAO NUMBER: 2017R01301

COURT DOCKET NUMBER: 17-CR-00683

As the November 2017 federal indictment alleged and the subsequent guilty pleas made clear, Auburn University (“Auburn”) was a victim of Chuck Person’s bribery scheme. While Person made many contributions to Auburn, Auburn basketball, and to his colleagues and student-athletes, this criminal subterfuge caused Auburn considerable damage, both reputational and financial. It additionally affected the institution’s men’s basketball team, particularly two of its student-athletes.

The Harm to Auburn

Auburn hired Person in April 2014. During the interview process, Person touted his ability to relate to and serve as a role model for players, particularly in-state players, looking to replicate his collegiate and professional success. For at least two years, Person did just that. He was instrumental in the recruitment, mentoring, and coaching of multiple men’s basketball student-athletes.

In conjunction with his hiring and those responsibilities, Auburn provided Person with initial and ongoing training and education on NCAA legislation. These regular compliance efforts included specific instruction on the prohibition against providing prospects and student-athletes and/or their families inducement ors extra benefits in any form (*e.g.*, cash, hotels, etc.). Person was an active participant in compliance meetings and routinely reached out to institutional personnel for clearance or guidance on NCAA issues. In his more than two years of employment with Auburn (and apart from his misconduct here), Person had not been involved in any type of actual or alleged major NCAA violation.¹ Auburn required Person to annually certify – and he did – his compliance with NCAA rules and Auburn’s expectations, including affirmative confirmation that he:

- Had not withheld from the NCAA or the institution information relevant to any NCAA violation;
- Had not knowingly been involved in offering or providing any student-athlete (or prospect) an extra benefit (or improper inducement);

¹ Person was cited twice during his employment for minor infractions – once relating to an impermissible “bump” with a recruit and once relating to an impermissible social media posting. It is not unusual for Auburn (and all NCAA institutions) to report multiple, similarly minor NCAA violations for coaches across all sports each year. In fact, NCAA guidance considers the discovery and reporting of those isolated instances of minor misconduct to be indicative of a well-functioning compliance department. Person’s involvement in two of these types of minor violations over the near 30-months he was employed was unremarkable.

- Had not received benefits for facilitating or arranging a meeting between a student-athlete and an agent, financial advisor or representative of an agent or financial advisor; and
- Had reported any potential violations or knowledge of NCAA violations.

Based, in part, on Person's representations to Auburn, the institution was affirming in annual submissions to the NCAA its overall compliance with NCAA legislation.

Auburn was floored by the news of Person's arrest in September 2017. The University immediately suspended Person without pay and began offering its support to the law enforcement agencies involved. Auburn equally and immediately retained outside counsel experienced in both internal investigations and NCAA compliance to investigate the men's basketball program and to ensure that misconduct of any sort – criminal or NCAA-related – was uncovered and addressed. Auburn additionally worked hand-in-hand with the NCAA enforcement staff to ensure its own, internal efforts were comprehensive and complete.

The University's expenditure of resources in conducting these investigations – whether money or person-hours – was extraordinary. In addition to its outside counsel, representatives from the University's upper administration, general counsel's office, and athletics compliance department directed and participated in every phase of the investigation, devoting many hours, in addition to their regular duties, to coordinating with governmental agencies; seeking out and developing information needed to make key decisions; collecting, analyzing, and providing thousands of pages of relevant materials; scheduling and attending witness interviews; and examining, developing, and improving internal monitoring and rules education programs. In fact, by the time of Person's sentencing, the University will have incurred considerable expense in conducting its inquiry into the men's basketball program.

Money and man-hours, however, only tell part of story. Person's arrest, indictment, and guilty plea have caused Auburn reputational harm. His actions have cast a near-two-year pall over the University and its men's basketball program. Press coverage of the matter has been unequivocally negative, despite the federal pleadings and Auburn's investigation, which revealed that the misconduct was driven by and largely isolated to Person. Since Person's arrest, it is difficult to find mainstream mention of the institution, no matter how generally positive, without some reference to Person's criminal activity. That is certainly the case with athletics, which Auburn considers the proverbial "front door" to the University. That department and its men's basketball team have been inundated with ongoing, negative media coverage since September 2017. Coaches and student-athletes find press conferences and interviews consistently raising questions about Person, any ongoing investigations, and potential NCAA sanctions. These efforts not only bring unnecessary strain and stress to the current coaching staff and players, the negative attention to the institution and team has also affected the ability to recruit future prospects. While the men's basketball team made a historic run to the Final Four this season, coverage of what should have been an exclusively celebrated event was tainted by continual conversation surrounding Person and his scheme.

As a result of Person's misconduct, Auburn expects to receive a formal Notice of Allegations from the NCAA in the coming months. While Auburn believes the NCAA investigation to date has only confirmed that any staff misconduct was isolated to Person – and that his misconduct was committed in a way so as to avoid Auburn's detection – the University will still have to navigate the enforcement process to an ultimate conclusion, a process that may drag into yet another basketball season. Despite the fact that the NCAA has already imposed what Auburn believes are sufficient penalties for those student-athletes affected by Person's misbehavior, the possibility exists that Auburn's athletics department and/or men's basketball team could face further sanction and penalties from the NCAA's Committee on Infractions.

The Harm to Auburn Student-Athletes

Like Person before him, Danjel Purifoy was a highly-ranked, in-state, African-American prospect from rural Alabama with professional aspirations. Purifoy chose to attend Auburn, in part, because of the close relationship he and his family developed with Person during his recruitment. During the post-indictment NCAA investigation, Purifoy described Person as his "mentor," someone he considered "like family," "looked up to" and "totally trusted."

Auburn believes that Person targeted Purifoy based, in part, on the adoration Purifoy had for him. Purifoy relayed that Person uncomfortably began to financially "forc[e] himself" on him beginning in December 2016, with Person regularly approaching Purifoy and encouraging him to accept money he was offering.² Purifoy never once asked for any payment, but he accepted some of Person's offerings based on the trust he had in Person as a personal mentor, a highly-regarded coach, and a former all-star professional player. Person exploited Purifoy's trust by telling him that accepting the money "is what NBA players do."

While Auburn's investigation confirmed Purifoy receiving only \$1,250 from Person, the NCAA originally sought to attach the entire \$91,500 alleged in the federal indictment to him.³ Purifoy was ultimately suspended by the NCAA for the entire 2017-18 season and 30 percent of the 2018-19 season.

² In hindsight, this timeframe immediately follows the formation of the conspiracy outlined in the federal indictment and complaint. Purifoy made clear that this conduct beginning in December 2016 was a dramatic change; Person had never approached him during his recruitment or his entire first year at Auburn about accepting money, offered or provided him any money, or raised the idea of agents of financial advisors.

³ Unbeknownst to Purifoy, Person was also encouraging Purifoy's parents to accept money from him in an effort to attach them to his co-conspirator/financial advisor. Purifoy's parents ultimately accepted roughly \$4,500 in cash and hotel rooms from Person over the same eight-month period.

Austin Wiley's connections to Person were even more deeply rooted. Wiley's father grew up with Person and considered him his big brother (they were actually cousins). Wiley's mother met and befriended Person while the two were All-Americans at Auburn in the mid-1980's. Once he entered the NBA in 1986, Person provided occasional financial support to one or both of Wiley's parents over the next 30-plus years.

As part of the University's investigation, Wiley made clear that he, like Purifoy, idolized Person growing up and "considered him an uncle." He chose to attend Auburn, in part, because he felt that "having a family member on staff that [he] could trust would help [him] transition from an early high school graduate to a successful college player."

Auburn believes that Person intended to utilize this long-standing trust and familial, financial reliance as leverage to push Wiley – and particularly his mother – into an impermissible arrangement with Person's co-conspirators. He readily provided Wiley with spending money during Wiley's first year when Wiley would occasionally ask his "uncle" for money to, for example, take his girlfriend to dinner.⁴

Despite this decades-long relationship, the NCAA also originally sought to attach the entire \$91,500 alleged in the federal indictment to Wiley. While it ultimately backed off that position, it maintained that Person's provision of benefits to Wiley and his mother were made as an agent rather than a family member/friend with an undisputed history of similar support. Accordingly, Wiley was ruled ineligible for the entire 2017-18 basketball season.

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Apart from being one of the few universities that hold the academic distinction as a comprehensive land, sea, and space grant institution, Auburn takes tremendous pride in its nationally recognized athletics program. Consistent with the Auburn Creed, the University is committed to operating with both "honesty and truthfulness[.]" Not satisfied with mere compliance with institutional, Southeastern Conference, and NCAA policies and procedures, the University's athletics department mandates that its employees engage in exemplary conduct. Recognizing that its coaches "are, in the final analysis, teachers of young people[.]" Auburn imposes an affirmative responsibility – confirmed by each employee, including Person, in writing – to "do more than avoid improper conduct or questionable acts[]" to ensure that "those younger and more pliable will be influenced by a fine example."

⁴ In total, Person ultimately provided Wiley approximately \$800 over roughly 10 months during his freshman year. Similarly to Purifoy, Person never approached Wiley during his recruitment about accepting money, offered or provided him any money, or raised the idea of agents of financial advisors. He equally never attached any conditions to the handful of instances he would provide Wiley with spending money. Wiley relayed that he asked his "uncle" for the money because he knew his parents could not provide it. There was no instance uncovered in the investigation suggesting that any other Auburn coach, staff member, or booster ever offered or provided Wiley (or Purifoy) any impermissible inducement or benefit.

Person's poor decisions failed Auburn in every way. They have resulted in considerable financial expense relating to internal and external investigations that confirmed the limited scope of Person's misconduct. Those costs – which are already considerable – will continue to rise through Auburn's completion of the NCAA process, which presents the possibility of significant sanctions and penalties flowing from Person's criminal actions. Perhaps more damaging, Person's actions have immeasurably damaged Auburn's national reputation based on it being attached – fairly or unfairly – to Person's criminal spectacle.

Person's actions have also irretrievably harmed two of the student-athletes he was charged to mold and protect. Auburn believes he made a conscious decision in identifying Purifoy and Wiley as those who trusted and relied on his guidance the most. He then manipulated the confidence and respect these two student-athletes and their families had in and for him and, in contravention to the wealth of rules education and compliance training provided to him, violated their trust in encouraging them to meet with his co-conspirators and/or accept money that affected the two student-athletes' immediate and individual NCAA eligibility and their long-term reputation and professional prospects.

Auburn understands that Person has plead guilty and intends to acknowledge his victimization of Auburn and the two student-athletes entrusted to his care. While that is a significant step, that individual admission does little to repair the harm to Auburn and those students, alumni, and fans who support it. However, the University's Creed equally speaks to obedience to law and the capacity for sympathy, so Auburn requests that the Court proceed with fairness and compassion in sentencing Person.

If the Court requires or requests any additional information, please let the University know.